



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

April 9, 2003

PUBLIC HEARING: Michael and Vanessa Hale, 8 Wesleyan Terrace,
Shrewsbury, MA.

PURPOSE: To hear the appeal of Michael and Vanessa Hale, 8 Wesleyan Terrace, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the extension of the attached garage situated upon property located at 8 Wesleyan Terrace maintaining the existing front and side yard setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 22 as Plot 180.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Hale: Thank you Mr. Chairman and Members of the Board. My name is Michael Hale and this is my wife Vanessa. We reside at 8 Wesleyan Terrace here in Shrewsbury. We wish to construct a family room addition to the rear of our property. In doing so, we will be cutting into the back of our garage. Therefore, we would like to extend our garage forward 8 ft. in front so that we would still be able to park a car in the garage. In doing so, we will be working in the front of the property but within the side yard setback. We currently have 6 ft. to the property line because the house was built in 1945. We would be working within the limits allowed by the bylaw.

Mr. Salerno: Mr. Hale, you have submitted some diagrams of that are part of your file along with a photograph?

Mr. Hale: That's correct. I submitted a color photograph of what the house looks like today as well as a sketch from T. M. Ferrie, the proposed contractor, who

has been working with M. J. Haesche, an architect, in designing the addition. This sketch is titled "T. M. Ferrie Contracting" and shows what the garage will look like with a gabled front. The other sketch is a footprint floor plan. It's kind of difficult to follow, but it shows the family room in the back. To the left, you see the existing garage and you'll see a 7 ft. 8 in. addition on the left-hand side pushing the garage forward.

Mr. Salerno: Do any board members wish to inquire on this petition? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Michael and Vanessa Hale, 8 Wesleyan Terrace, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the extension of the attached garage situated upon property located at 8 Wesleyan Terrace maintaining the existing front and side yard setbacks of said property.

The board reviewed the appellants' proposal to construct an 8 ft. by 15 ft. extension to the front of their attached garage that would maintain the structure's existing 6 ft. side yard setback and found that the construction of this addition would not materially alter the nonconforming feature of this property. They noted that this expansion would be conducted in conjunction with the construction of a family room addition to the rear of their home that would, in part, utilize a portion of the rear of the existing garage. It was their opinion that, when completed, the configuration of the Hales' residence would be in harmony with the general character of other properties in the Wesleyan Terrace/Street neighborhood and that it would not create any condition that would be harmful or injurious to the welfare of its residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Francis Greenough, 72 Lake Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Francis Greenough, 72 Lake Street, Shrewsbury, MA, for a special permit as required by the Town of

Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a dormer addition upon property located at 72 Lake Street maintaining the existing rear yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 34 as Plot 6.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Greenough: My name is Francis Greenough. I'm the homeowner. This is my builder, Gary Gredowski.

Mr. Greenough: We're petitioning, at this time, to add a room onto the present structure going nowhere beyond where the structure sits.

Mr. Salerno: You've submitted some photographs?

Mr. Greenough: Yes.

Mr. Salerno: It looks like there were taken yesterday!

Mr. Greenough: No, believe it or not, I think they were taken around the holidays.

Mr. Gredowski: What Frank is hoping to do is that a portion of that house has a 2 story structure to the right and he's hopeful that he could continue that same characteristic line over the existing 1-story structure. It would have a 2 ft. cantilever in the front and the rear. That 2 ft. cantilever in the rear of it apparently encroaches on that back property line. It would be used as a bedroom area. The roofline would have the same pitches and the same characteristics. It will carry for 21 ft. and the distance from front to rear would be 28 ft. which is duplicating the same size of that present 2-story structure.

Mr. Salerno: Why wouldn't you extend it along the whole roofline?

Mr. Greenough: For financial purposes.

Mr. Gredowski: It's not cost effective. He's trying to gain a bedroom area and possibly a bath down the road up there. It would accomplish that without continuing the whole distance.

Mr. Greenough: I might add that the room is needed. There are 5 people living in the household.

Mr. Salerno: That was the only question I had. The other board members may have some questions.

Mr. George: It's just a continuation of a roofline.

Mr. Gredowski: It's not going beyond what's already there.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Francis Greenough, 72 Lake Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a dormer addition upon property located at 72 Lake Street maintaining the existing rear yard setback of said property.

The board reviewed the appellant's proposal to construct a dormer to the rear of the second story portion of his home and found that the vertical extension of the existing rear yard setback, which is approximately 36 ft., would not materially change the nonconforming features of this property. They noted that part of the existing dwelling is of 2-story construction and that the proposed dormer will just in-fill the roof elevation between the 2 ends of Mr. Greenough's home. It was their opinion that, in this instance, the granting of the special permit would not create any condition which would adversely impact the welfare of area residents and they, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: William C. Carr, 21 Washington Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of William C. Carr, 21 Washington Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition above an existing attached garage situated upon property located at 21 Washington Street maintaining the existing front, side and rear yard setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 23 as Plot 174.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Carr: My name is Bill Carr. I live at 21 Washington Street in Shrewsbury. Right now, there is an existing garage that's been there for years with a flat level roof on it which is leaking and has deteriorated. I would like to change it. At the time that I was changing it, I thought I would make a family room or a grand room above that garage. It's not to change anything to do with the way that the foundation is or what already exists and has existed for years.

Mr. Salerno: You have submitted this evening a diagram, Mr. Carr?

Mr. Carr: Yes. I have additional diagrams that show you more of it if you are interested.

Mr. Salerno: Yes, if you could. It might be more helpful.

Mr. Carr: That's, more or less, what the front's going to look like and how it's going to tie into the rest of the structure. However, I have side plans which I don't have 5 copies of, unfortunately.

Mr. Salerno: That's fine. We'll pass them around and then we'll give them back to you. So, you're eliminating the garage completely?

Mr. Carr: No, the garage is still there because the garage is underneath.

Mr. Salerno: Okay.

Mr. Carr: This is actually level with the first floor of the house.

Mr. Salerno: So, the garage will remain a drive-under?

Mr. Carr: Yes. This is a side view. This is going to be the front roof. Obviously, this is going to tie into the roof here. This is basically the floor plan and how we're going to get into it from the screen room that's existing. This is just showing the floor joists. This actually exists now with the den and how we're going to get into the grand room, showing the rooms and the sliders.

I did talk to all of my neighbors that surround me and nobody had a problem.

Mr. Salerno: That's a great idea. I'm glad you did that.

Mr. Carr: I would rather put the fire out before it happens.

Mr. Salerno: It's always a wise thing to do.

Mr. Carr: Both of my neighbors on both sides have done expansions. We didn't have any problems.

Mr. Gordon: You'll just be residing the garage area?

Mr. Carr: I'm not residing it.

Mr. Gordon: Well, siding it?

Mr. Carr: Well, what I'm doing is putting a room over the garage. There isn't siding on the garage now because that's actually the basement. My garage goes down.

Mr. Gordon: I know that, but will this be sided?

Mr. Carr: Yes, it will be sided exactly the same as the house.

Mr. Gordon: I just noticed that where the roof is the side of the house needs some work. So, that will be getting covered at the same time, correct?

Mr. Carr: I don't understand.

Mr. Gordon: You've got some siding, or something, falling off the house?

Mr. Carr: That's what we are talking about. That's the garage. It's rotting and we want to change it. That's what's there now and that's what I want to tear down and redo all new. When I did that, I just thought I would go up and make a family room above it at the same time.

Mr. Gordon: I've got 48,000 sq. ft. of flat roof if you'd like to do that later!

Mr. Carr: I would just like to say that I bought the house like that. It's nothing that I let go like that.

Mr. Salerno: Do any board members have any questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of William C. Carr, 21 Washington Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition above an existing attached garage situated upon property located at 21 Washington Street maintaining the existing front, side and rear yard setbacks of said property.

There is currently attached to the southerly side of the subject premises a garage that is at the same floor level as the basement of Mr. Carr's home. The garage has a flat roof upon which he proposes to construct a family room approximately 19 ft. by 28.5 ft. that would be at the same level as the first floor of his home. This addition would maintain the garage's existing nonconforming front and side yard setbacks of 26 ft. and 6 ft., respectively.

Upon review of this appeal, the board found that the proposed expansion would not materially alter the nonconforming characteristics of this property and that the vertical extension of the aforementioned setbacks by one story would not adversely impact the welfare of area residents. It was there opinion that the dwelling, as designed and when completed, would not conflict with the general character of other properties within the General Ward Manor neighborhood and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Colleen and Dean Tipple, 18 Ireta Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Colleen and Dean Tipple, 18 Ireta Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the

construction of a second story addition upon property located at 18 Ireta Road maintaining the existing front, side and rear yard setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 20 as Plot 43.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Tipple: I'm Dean Tipple.

Ms. Tipple: I'm Colleen Tipple.

Mr. Tipple: What we would like to do is put a second story on our existing Ranch style structure. We need a special permit to do that because we don't meet the current front and side yard setbacks the way the house was originally built on the lot. It was built over 40 years ago. So, what we want to do is put a second floor on it, remove a downstairs bedroom and put 3 bedrooms and a bath upstairs.

Mr. Salerno: Does it have town water and sewer?

Mr. Tipple: Yes, it does.

Mr. Gordon: You're just going to go straight up?

Mr. Tipple: We're going to go straight up on the existing foundation.

Mr. Gordon: You're going to stay in the existing footprint?

Mr. Tipple: Yes.

Mr. Gordon: I think everybody knows that I am in favor of allowing this by right. So, I'll just bring it up again.

Ms. Murphy: It makes a lot of sense to me.

Mr. Salerno: There are some plans that I see here which are attached to your petition. I'm going to circulate those amongst the board members so that they have an opportunity to see them. They are in your original file. Basically, it's going to become a Colonial?

Mr. Tipple: That's correct. That's how it is going to go.

Mr. Salerno: Please bear with us for a minute. There's only that one set and I want to be sure everyone has a chance to look at it. They may have some questions.

Mr. Gordon: Ron, was Ireta Road built in several sections?

Mr. Alarie: Approximately where their house is, that was the older end. Until they built West Hill, which is a cluster development, that was all vacant land beyond them to the north to I-290.

Mr. Salerno: How old is that Ron, about 20 years?

Mr. Alarie: West Hill, if I remember correctly, was done in the mid 80s.

Mr. Salerno: There's no further discussion by the board on that matter. Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Colleen and Dean Tipple, 18 Ireta Road, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 18 Ireta Road maintaining the existing front, side and rear yard setbacks of said property.

The appellants' property is located on the original portion of Ireta Road and was developed well before the institution of current zoning. It is nonconforming in several regards, most noticeably its area and frontage which are 8,409 sq. ft. and 85 ft., respectively. The siting of the Tipples' home is also nonconforming as it does not comply with the minimum front and side yard setback requirements. Mr. and Mrs. Tipple propose to construct a second story addition maintaining its existing setbacks.

Upon review of this appeal, the board found that the vertical expansion of the appellants' home would not materially alter its nonconforming character and that such construction would not adversely impact the welfare of area residents. They noted that this property is one lot removed from the relatively recently extended portion of Ireta Road that was developed as a cluster subdivision. They further noted that the siting of Mr. and Mrs. Tipple's home generally conforms to the setbacks required in such a subdivision and felt that the structure,

when completed, would not conflict with the general character of this neighborhood. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Lawrence and Jennifer Urbano, 62 Hillando Drive, Shrewsbury.

PURPOSE: To hear the appeal of Lawrence and Jennifer Urbano, 62 Hillando Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection J-7c, to allow the construction of an addition 21 ft. from the rear lot line of property located at 62 Hillando Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 30 as Plot 23-76.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Urbano: My name is Lawrence Urbano. This is my wife, Jennifer. We live at 62 Hillando Drive. We're here to petition the board for an easement to build a 3-season sunroom in place of our existing deck. We'd like to completely remove the existing deck and have a brand new structure built according to building codes and then have the 3-season room attached. Basically, the hardship is with the wetlands. Obviously, especially with this season that we're having, it's extremely buggy. The size of the lot in the back is fairly unusable for the most part as it exists today with not being able to have the use of the deck. We've been there about 6 years now. We really don't use it that much. So, we'd like to take advantage of what area we have there.

Mr. Salerno: Well, it's a wetlands back there. It's almost essential to be enclosed.

Mr. Gordon: It's the only area in the house where it could go. Also, it's behind the part of the house that's there.

Mr. Urbano: Yes.

Mr. Salerno: Also, as part of your record, there are 2 photographs depicting the existing deck and the yard. Also, there's a March 31, 2003 letter addressed to the Zoning Board of Appeals from Carl and Judith Lindborg of 60 Hillando Drive here in Shrewsbury. In essence, they are neighbors who have been contacted by you and reviewed the plan and are in support of your request. You should be complimented for taking the effort to speak to your neighbors and trying to resolve all of the issues prior to coming to the board.

Mr. George: The only question I have is, are you going to be putting anything in for a foundation or is it just going to be elevated like the deck was?

Mr. Urbano: Exactly, it will be elevated, yes.

Mr. Gordon: With new footings?

Mr. Urbano: No.

Ms. Urbano: With new footings, yes.

Mr. Urbano: New footings, yes.

Ms. Murphy: Have you talked with all of your neighbors?

Mr. Urbano: Mainly the ones that were affected the most. Where Judy and Carl live, they're the only abutters who would look directly at that. If you see the way the pictures are, there would be trees all the way around it. There is no other neighbor that would really have an effect with that issue.

Mr. Salerno: Are they in the red house?

Mr. Urbano: They're in the blue house just as you go out of the back door.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Lawrence and Jennifer Urbano, 62 Hillando Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection J-

7c, to allow the construction of an addition 21 ft. from the rear lot line of property located at 62 Hillando Drive.

In reviewing the appellants' proposal to construct a 3-season addition to the rear of their home, the board found that, due to the unique configuration of their lot and area of wetlands encroaching thereon, the literal application of the minimum terms of the Zoning Bylaw would create an undue hardship to Mr. and Mrs. Urbano. They noted that the Hillando Drive area is part of a cluster development and that the rear yard of the subject premises abuts part of the open space of this development. It was their opinion that, in this instance, the reduction of the minimum rear yard requirement from 30 ft. to 21 ft. would not significantly depart from the intent of the bylaw or adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Ana Diaz, 46 Holden Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Ana Diaz, 46 Holden Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Rural B District, to allow the construction of a three season sunroom 15 ft. from the rear lot line of property located at 46 Holden Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 19 as Plot 136.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Ms. Dias: My name is Ana Diaz. I live on 46 Holden Street. Unfortunately, the gentleman who was supposed to be here today, I think, has the wrong date. That's who I was waiting for. He has all of the plans as far as the sunroom. But, just like it says, it's going to be 11 ft. x 16 ft. It's only 16 ft. because I'm trying to

cover the bulkhead so that the water doesn't get into the basement. Actually, the room is going to be smaller than that. There's an extra 5 ft. for the bulkhead. It's pretty much covered on the top and walls with sliding glass doors all the way around.

Mr. Salerno: Is this a pre-manufactured room that's going to be placed there or is it going to be custom built on site?

Ms. Dias: It's going to be custom built on site. I guess he's putting in footings and a floor and that. So, it's not a kit.

Mr. Gordon: This is a man without a calendar.

Ms. Dias: Either I gave him the wrong date, but I was waiting for him and he's not here. He knows about the building of it.

Mr. Alarie: For the board's information, the previous owners, Mr. & Mrs. Lombardo, were granted a variance in October of 2001 to allow them to construct that addition to the eastern part of the house. Towards the rear, that part that's kind of shaded dark on your plot plan, that was done by variance at that time.

Mr. Gordon: This land has got the Commonwealth on 1 side and, what is it, 290, on the other?

Mr. Alarie: Yes, it abuts the right-of-way for the I-290 off ramp.

Mr. Salerno: Again, perhaps it will assist us If you can you describe the materials, the windows, the roofing and how it's going to tie into the house. Can you give us some type of visual to rely upon as to what it's going to be or look like?

Ms. Dias: It's going to come out 11 ft. and go 16 ft. wide. Part of that is to cover the bulkhead. Here he is and he can explain it.

Mr. Salerno: Good evening sir, could you identify yourself for the audio record.

Mr. Schlesinger: My name is Rob Schlesinger.

Mr. Salerno: Are you contractor working for Ms. Diaz?

Mr. Schlesinger: That's correct.

Mr. Salerno: She began her presentation to us describing for us what it is she'd like to do and is relying on you to present us some visuals or more information as to what is going to take place there.

Mr. Schlesinger: Okay. I have the visuals in the car. Essentially, it's a 3-season room.

Mr. Salerno: What do you have in the car?

Mr. Schlesinger: I just have pictures of what it would look like.

Mr. Salerno: All right, why don't you go get those.

Mr. Schlesinger: Does everybody have a copy of the plot plan?

Mr. Gordon: I have the plot plan in front of me.

Mr. Salerno: You don't have any pictures, no visuals at all?

Mr. Gordon: No.

Mr. Salerno: Okay, what do you have for us, sir?

Mr. Schlesinger: I have a whole bunch of pictures in here. Essentially, what we would be building is a 3-season room after the permitting process on a deck frame. The dimensions are about 11 ft. x 16 ft.

Mr. George: So, is it going to look similar to the picture on the bottom of this page here?

Mr. Schlesinger: Yes.

Mr. George: Will it be the same type of materials?

Mr. Schlesinger: It will be extruded aluminum with sliding glass windows on a knee-wall. There are a whole bunch of pictures in there. Hers will be, I guess, more appropriate to something that would look like this. She has a Ranch style house with a connection on the fascia. They're all very similar.

Mr. Salerno: What would you like us to consider when we make our decision? What is it that you would like?

Mr. Schlesinger: I thought that we were just here, sir, to discuss the zoning issue?

Mr. Salerno: Well, we are. But, you're asking us to give you relief so that you can build something. We want a little idea of what you want to build.

Mr. Schlesinger: Well, for building code purposes, it's built on a deck. So, it would be considered the same as building a deck because of the setbacks on the side.

Mr. Salerno: It's got a roof on it, doesn't it?

Mr. Schlesinger: Yes, it has a roof.

Mr. Alarie: It's definitely subject to the minimum setback requirement. That's the reason for the hearing tonight, because of the setback from that rear line.

They're projecting it to be within 16 ft. of that rear line. Although there was a variance granted at 20 ft., this is projecting 4 ft. closer.

Mr. George: So, they're actually asking for a variance on an extension that was done by a variance?

Mr. Gordon: On a different part?

Mr. Salerno: On a good part of the house.

Mr. Alarie: Excuse me?

Mr. Salerno: Part of it's attached.

Mr. Alarie: Part of it is in common with what was added on previously in 2001.

Mr. Gordon: That was still the Lombardos?

Mr. Alarie: That was the Lombardos, yes.

Mr. Gordon: And, then they sold the house to Ms. Diaz. Is this a flat roof?

Mr. Schlesinger: It's a shed roof. It does meet building code for pitch.

Mr. Salerno: Did you give your client any plans or diagrams of this?

Mr. Schlesinger: In terms of a rendering, sir?

Mr. Salerno: Yes. This is custom built? This isn't a package?

Mr. Schlesinger: It's custom built.

Mr. Salerno: Do any board members have any questions?

Mr. Gordon: I just have a comment, Mr. Chairman, if I may. I don't know which other towns you go to, but in this town we like to know what's being done. I don't

want to see Ms. Diaz punished for your lack of a presentation. But, I think she should be very careful if this is the way you make presentations for her.

Mr. Schlesinger: Excuse me, I wasn't aware that I had to come in and sell the product to the board.

Mr. Gordon: Well, then, maybe you should have spent more time with the building inspector.

Mr. Schlesinger: Perhaps. I was under the impression that we were talking about zoning. I've been to various meetings in the past through many towns. The issue that I was under the presumption was that it was a deck frame. That was really the issue. How close was that going to be to the property line, that and the type of construction and the quality that we do. We have done an extensive amount of work in all of the surrounding towns.

Mr. Gordon: It's just that I don't want to see Ms. Diaz prejudiced by the lack of information.

Mr. Schlesinger: Are there any questions that I can answer for you, sir?

Mr. Gordon: Yes. It's a building now, not a deck. With a deck, you didn't need a permit. With a building you need a permit. So, I would have thought you would have come in and spoken with the building inspector and found out what you did need. As a professional builder, you should come in and give us not a generic picture, but at least a sketch, a sketch that I could draw, nothing very fancy. It's difficult for us to make a decision when we don't see something. When we see something that is not what we're dealing with, that makes it more difficult.

Mr. Schlesinger: I can appreciate that. I was not told that I needed a rendering, sir. I certainly would have had the plans.

Mr. Gordon: Well, maybe you should have come in and talked with the building inspector. He gives very good advice.

Mr. Salerno: Do you have any side profiles?

Mr. Schlesinger: We did talk.

Mr. Salerno: Sir, I think what Mr. Gordon is trying to do is educate you on this process, to present something like a side profile, diagrams, plans that you're going to build from because we issue you the relief or your client. Often times we tie that to the plan as submitted so we have some idea of what it's going to look like. You're asking for relief from the zoning law. You're asking to affect this land and the neighbor's land to allow you to construct something. Again, if we have an idea or we can see visually, or if the neighbors can see visually, what's going

to be constructed, it assists in the decision. It's your burden to present us with information you feel will assist us in making our decision. Ultimately, you bear the burden of persuasion here. I think Mr. Gordon is telling you that, with nothing in front of us to look at to assist you with that, in the future you might want to consider getting side profiles or sketches of it, renderings, pretty much what everybody else did before you. Well, you weren't here, but before you, everybody else did that.

Is there anybody in attendance this evening that wants to comment on this petition? Sir, could you just identify yourself for the audio record.

Mr. Polechronis: My name is Nick Polechronis. I live at 48 Holden Street. I'm a direct abutter to Ana Diaz, right behind her actually.

Mr. Salerno: So, in other words, you're the person who would be most affected by this?

Mr. Polechronis: Yes. I'm not necessarily opposed to the project. However, trying to gain some information a few days ago from Ms. Diaz, I just had some questions about the project. I got dimensions and had some brief conversation with her. If you do decide to grant approval, I would ask that the board considers 3 things. She has animals at the property. I would ask that the dog be placed on the side across from the common driveway. I would ask that fencing be installed that is much more of a permanent nature than the fencing that currently is on the property now. I would like to see, maybe, some stockade fencing both up the common driveway and on the rear lot line as well as the cleaning of the debris when she placed the temporary fence on the property.

Mr. Salerno: Again sir, to try to address your question, we're limited in scope this evening on what we can enforce and do. Basically, what we're being asked to do is approve a request to allow this, essentially decking area, to be enclosed as a 3-season room. But, we don't have any enforcement of the issues that you've raised. They're not part of this. They're really outside of this board's authority.

Mr. Polechronis: Well, in trying to speak to my neighbor about my concerns, I felt that it was necessary for me to come up here and talk about issues because, obviously, the neighborhood had experienced many changes over the past couple of years with the construction and then the occupancy of the new high school. So, I understand the process. I just want to be heard.

Mr. Salerno: Sure.

Mr. Polechronis: Thank you.

Mr. Salerno: Do you want to see a photograph, sir, of what is proposed to be there?

Mr. Polechronis: Yes. I'm glad you mentioned that because I was there when the Lombardos put their addition on. They were nice enough to come up and show me what they were going to do and the quality and scope of the project. I didn't come here to object to that process. I mean, I would like to see something of equal quality or better quality than just maybe a picture that that guy has.

Mr. Salerno: Well, that's what we have. We have a photograph, or a rendition, of what is proposed to be put there similar in nature to this. After you look at that, you might have a question on that. If not and you're satisfied, that's fine too.

Mr. Polechronis: I guess, if it's going to be as open as this is, that's the reason why I'm looking for much more permanent fencing that blocks off the view going into their house.

Mr. Salerno: So, your concern is some screening between your property and what's proposed?

Mr. Polechronis: Absolutely. Great, thank you.

Mr. Salerno: Is there anybody else this evening that wants to comment on this petition? Is there any further comment?

Mr. Gordon: Mr. Chairman.

Mr. Salerno: Sure.

Mr. Gordon: To get my vote, I'd like to attach to any decision that a rendering be given to the building inspector prior to this thing going up so that we know exactly how it's going to be.

Mr. Salerno: Do you want to table this matter for further discussion?

Mr. Gordon: Yes, please.

Mr. Salerno: Alright, we can do that. Is there anything else you want to add, Ms. Diaz?

Ms. Dias: I guess I need tinted glass.

Mr. Salerno: I'm sorry?

Ms. Dias: I said, "I probably need tinted glass" because someone can see in.

Mr. Salerno: If there is anything you want to give us to assist us in our decision, feel free to do that. If not, Mr. Schlesinger, these are your photos. Do you don't want those to be part of the record?

Mr. Schlesinger: No. Again, sir, I wasn't aware that there was a rendering required.

Mr. Salerno: There isn't. There's a burden required of you to persuade the board to give you relief from the law. You're asking for an exception from the law. You bear a burden to convince the board why you should be granted that relief. Again, at the beginning of the meeting, and I'll repeat it now, we ask the petitioner to provide us with the information they feel will assist the board in rendering a decision. It's not appropriate for us to make your presentation. It's not fair to the people who may be opposed to it or in favor of it. So, we always tell folks that, if you think that will help you, do it. You're under no burden to do that. Let's make the record perfectly clear that you are not obligated to file anything other than the petition.

If you don't have anything further, we're going to vote on that at the end of our meeting.

Mr. Schlesinger: Sure.

Ms. Dias: I guess we're all set.

Mr. Salerno: Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Ana Diaz, 46 Holden Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Rural B District, to allow the construction of a three season sunroom 15 ft. from the rear lot line of property located at 46 Holden Street.

The subject premises is located at the dead-end of the southerly extension of Holden Street and abuts the right-of-way for the I-290 off ramp. The lot is nonconforming with respect to its frontage, having only 54 ft. along Holden Street, and the siting of the existing structure thereon. Due to the property's location and configuration, the previous owners were granted a similar variance to permit the construction of an addition to the rear of this dwelling. Ms. Diaz proposes to construct a three season room to the northerly side of her home that would extend to within 15 ft. of the rear lot line.

It was the board's opinion that, due to the size and shape of this parcel, the literal application of the minimum zoning requirements in this instance would impose a substantial hardship to the appellant. They found that the reduction of the existing rear yard setback by approximately 4 ft. would not materially change the configuration of this property or seriously depart from the intent of the bylaw. They also found that, with the installation of screening along part of the rear lot line, the granting of the relief requested would not adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal subject to the requirement that solid fencing, which shall be a minimum of 6 ft. in height, shall be installed along part or adjacent to of the rear lot line of the subject premises. Said fencing shall commence at a point not greater than 30 ft. southerly of the northeast corner of the lot and extend a minimum distance of 40 ft. southerly towards its southeasterly corner.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Richard J. and Elizabeth A. Quinlivan, 87 Hill Street, Shrewsbury.

PURPOSE: To hear the appeal of Richard J. and Elizabeth A. Quinlivan, 87 Hill Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the enclosure of the existing deck located 36 ft. from the rear lot line of property located at 87 Hill Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 11 as Plot 47-5.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Quinlivan: Yes. Mr. Chairman and members of the committee, my name is Richard Quinlivan. I'm the appellant. This appeal is regarding the enclosing of an existing sun porch. A previous variance identical to this was granted by the Zoning Board of Appeals on October 31, 2001. Since that time, I was waiting for the contractor to perform the work. After I received the variance, the work on the project was placed on the contractor's schedule and, things being what they are and people being very busy in that specific area, we were waiting for him. When he was finally able to work it into his schedule in February 2002, which was 1 year after the time frame, I was not aware that there was a time limit of 1 year to commence construction prior to that time or I could have asked for an extension. If I had done so prior to the expiration of the year, we could have proceeded. When he was ready to do it, I did check with Mr. Alarie. Mr. Alarie informed me that there was a year's timeframe to do this. So, therefore, I had to submit another appeal. This is the reason why we're here tonight.

This is, as I said, for the enclosure of a sun porch. It's an existing deck that is there. We're basically going to put windows on it. It's 8 ft. x 18 ½ ft. We will be putting 3 windows on the front, 1 window on each side with 1 door and enclosing the roof to make it a 9-month enclosed area.

The reason for the hardship is the same now as it was then. I have an icing problem that is very peculiar to this property in that on both exit doors at the existing deck it ices up during the winter. This particular last winter it has been extremely difficult.

Mr. Salerno: It's not over yet.

Mr. Quinlivan: I can see. The point of that is, and that's the request on the basis of the hardship, to enclose it to add some additional security and at the same time to eliminate an existing safety situation relative to that door, at both doors as a matter of fact, from icing up. I spent some time out there for the past year or so trying to keep it free so that the slider would operate properly to exit and enter.

The property behind me is owned by the Town of Shrewsbury. The property to the left of me is owned by the Commonwealth of Massachusetts. I did receive a letter from one of the direct abutters indicating that they had no objection to it. I would like to give that to the committee.

Mr. Salerno: If there is anything you want to present, Mr. Quinlivan, please do so. I remember your petition. This is from October 16, 2001 where it was unanimously voted.

Mr. Gordon: There are no changes?

Mr. Quinlivan: There are no changes. It's identical to the other one.

Mr. Gordon: It's just because of a delay of work.

Mr. Salerno: You're submitting a letter from the Sisters of Notre Dame?

Mr. Quinlivan: Right.

Mr. Salerno: It's from Sister Mary Delaney.

Mr. Quinlivan: They have no objection to it. They are a direct abutter to me and they are impressed with my appeal.

Mr. Salerno: They certainly do. We'll make that a part of the record.

Mr. Quinlivan: We're not changing the footprint of the existing deck. It's simply to enclose it to a 9-month...

Mr. Salerno: The delay was due to the delay of the builder, but for your contractor not performing in a timely manner, you wouldn't be here?

Mr. Quinlivan: That's correct. The reason is that the man is an exceptionally good craftsman. I wouldn't use anyone else but him. On that basis, a deck was not exactly his major priority and so we have to wait. I'm sure you have experienced that yourselves. Consequently, the time got away from us. When I discovered this and I asked Mr. Alarie, he said it's gone beyond the date and you have to reapply. That is the reason we are here.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Do any board members have any questions? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Richard J. and Elizabeth A. Quinlivan, 87 Hill Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-1 District, to allow the enclosure of the existing deck located 36 ft. from the rear lot line of property located at 87 Hill Street.

The appellant was granted a variance on October 16, 2001 to permit the enclosure of the deck attached to the rear of his home situated upon the subject premises. Mr. Quinlivan experienced delays in engaging his contractor to commence construction of the enclosed 3-season room. The rights authorized by that granting lapsed in October of 2002 and, through this appeal, he seeks to reinstate those rights.

Upon review of their previous decision, the board found that there are conditions affecting Mr. Quinlivan's property and his home that warrant the granting of the relief requested. It was their opinion that those conditions and their reasons for reducing the rear yard setback to 36 ft. are clearly enumerated in that decision and voted to incorporate it herein by reference. They further noted that the appellant's property is surrounded by either town owned or state owned land and felt that the reduction of the setback by only 4 ft. under such circumstances would not depart in any manner from the intent of the bylaw. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: Chester and Shirley Piskadlo, 17 Ridge Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Chester and Shirley Piskadlo, 17 Ridge Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Rural B District, to allow the construction of an attached garage 12 ft. from the side lot line of property located at 17 Ridge Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 8 as Plot 58-43.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Please identify yourself for the audio record and make your presentation.

Mr. Piskadlo: Yes, my name is Chester Piskadlo. I live at 17 Ridge Road with my wife, Shirley. We're asking to add a 2-car garage to the side of our house which, obviously, we need a variance to do. There are a lot of reasons. Obviously, this past winter is one of them. As you get older, you want to be able

to put your car in the garage. My wife is a very healthy lady but has had hip replacement surgery on one hip 4 years ago. You need 3 steps up and about 6 other steps to get into my house now. She will need surgery on the other hip probably within the next 3 to 5 years, hopefully longer. So, from a walking factor, to be able to go from the house into a garage is a nice convenience to have. We've been here, like I say, for 25 years. We enjoy our neighborhood. We're fortunate that we have a lot of neighbors that have been there for similar periods of time like the 2 people behind us and the people across the street from us. We would like to stay there. The garage is very important to us.

Mr. Salerno: Mr. Piskadlo, these diagrams that you submitted with your original appeal, the front elevation and floor plans are what you're proposing?

Mr. Piskadlo: Yes, that's exactly what I'm proposing. We have no alternatives. We have a septic system so we can't wrap it around to the back. So, we have to put it off to the side. That's our only place to go with it.

Mr. Salerno: The layout and the topography of the land are your hardship?

Mr. Piskadlo: Pardon?

Mr. Salerno: The topography and the layout of the land and the organization of the lot?

Mr. Piskadlo: Yes.

Mr. Salerno: And, the elevation of the lot?

Mr. Piskadlo: Yes, yes. In my neighborhood the lot next door to us, where this would be 12 or 13 ft. off of, is to this day still an unbuildable lot. So, it doesn't impede on anybody. It has been that way for a long time. I don't know when or if we'll ever get sewerage. I don't know if it will ever perc. So, that's that part of it. We want to stay in Shrewsbury is what the bottom line is. We would like to have a garage.

Mr. Salerno: Do any board members have any questions? Is there anybody in attendance this evening that wants to comment on this petition?

Mr. George: I only have 1 question. Is there going to be any type of room space on top of the garage?

Mr. Piskadlo: No, no, not at all. It's just simply a 2-car garage. Again, if you look at it, we will have access from the house.

Mr. Salerno: In addition to the hardships, you say there's a medical need too.

Mr. Piskadlo: Yes.

Mr. Salerno: Again, is there anybody here in attendance that wants to comment on this matter? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Chester and Shirley Piskadlo, 17 Ridge Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side Yard Requirement, Rural B District, to allow the construction of an attached garage 12 ft. from the side lot line of property located at 17 Ridge Road.

The board reviewed the appellants' proposal to construct an attached two car garage to the northerly side of their home and found that, due to the topography of the lot and the siting of the existing structure thereon, the literal enforcement of the minimum terms of the Zoning Bylaw would impose a substantial hardship to the Piskadlos in their attempt to provide an accessible garage. They noted that the adjacent lot has remained undeveloped for over 20 years as it cannot accommodate an on-site septic system. It was the board's opinion that, in this instance, the reduction of the minimum side yard setback requirement would not seriously depart from the intent of the bylaw or create any condition which would adversely impact the welfare of the general public. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes

PUBLIC HEARING: RIFL Realty Trust, 167 Memorial Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of RIFL Realty Trust, 11 Maple Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the construction of a building with a loading dock/door facing Memorial Drive upon property located at 167 Memorial Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 47 as Plot 13-1.

PRESENT: Anthony M. Salerno, Chairman, Paul M. George, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on March 25, 2003 and April 1, 2003.

Mr. Salerno: Counsel, please come forward with your client. Counsel, please identify yourself and your client and make your presentation.

Atty. Ricker: Mr. Chairman and members of the board, my name is Richard Ricker. I'm an attorney practicing in town. I'm also a trustee of the appellant, RIFL Realty Trust. With me tonight, also, is Ed Flynn. He's also a trustee of RIFL. What we are proposing tonight and what we're requesting is, as Mr. Salerno pointed out, to put a loading dock door on the side of the building. I do have these renderingS. I'm not sure if you've seen them.

Mr. Salerno: We have some, but those are smaller and more convenient.

Atty. Ricker: As you can see, what we're requesting is a loading dock door on the side of the building. This is Memorial Drive, which is Route 140. This is the proposed building. This is the Ditch Witch building which we were before you last year discussing and which is presently occupied by Ditch Witch. Above it, as you're facing Memorial Drive, would be the Memorial Drive Business Park, the balance of the park. Just so that you have a better idea of that, I don't know if you can see it, there are actually 5 buildings here. This is the Ditch Witch building and this is the balance of the property here.

As you can see, the property is substantially impacted by wetlands on 3 sides. It's also substantially impacted by the contours of the land. You may recall from our discussions last year that we had to do a substantial amount of blasting for the Ditch Witch building.

We are faced with the contours of about a 20 ft. drop from here to here. In addition to that, we also have a drop from here down to the wetlands area, which is probably another 20 or 30 ft. As it relates to a hardship, what that does is that it squeezes us into a pocket here. Knowing that this property is Limited Industrial and, if you want to have a Limited Industrial building, you have to provide certain sizes. We had to turn the building this way in order to obtain at least 120 ft. of maneuvering and loading area in order to have enough parking in front to squeeze the cars in the front, the passenger vehicles for people who would work there.

This building that we're proposing is slated to be occupied by Pepperidge Farm as one of the tenants. As part of their requirements, they've asked us to seek this variance for this loading dock door. The problems that we have here, obviously the hardships that I'm talking about here, are incidental to only this site. There's no other property like this in the area that is impacted like this that is

buildable for industrial use that is impacted on all 4 sides and has the contours that we're dealing with here.

Mr. Salerno: And, with the amount of outcropping and ledge, too.

Atty. Ricker: Clearly, it's impacted by all of that. It's the only one around like that. So, I would suggest that it's unique to the property and incidental to only this property.

The door that we're talking about is only a loading dock door. I believe that it's about 8 x 8 ft., somewhere in that range. I would suggest, respectfully, that this request does not derogate from the intent of the bylaw. I would suggest, respectfully, that the original intent was intended to keep large loading doors from being right on the street in these industrial and commercial areas where you have setbacks of 50 or 75 ft. with the buildings which are set down in front and, thereby, you would be affecting the view of the passer-by, basically, who would be looking at loading dock doors and garage doors instead of buildings. In this particular case, this door is approximately 440 ft. back from the highway. It is also separated from the road by trees which are in the wetlands and around the wetlands. It is also, obviously, separated by the wetlands and hopefully at some stage it will also be separated from the road by another building. That's obviously our hope.

I would suggest, furthermore, that this would not be detrimental to the neighbors, the neighbors being Mr. Flynn on one side, RIGR Trust, which I'm the trustee of, on the other side and the Town of Shrewsbury Conservation on the opposite side, directly across the street. So, therefore, I would suggest that this would fit in nicely. It is certainly necessary. Pepperidge Farm has a side loading truck and we couldn't accommodate it any other way. That's basically what we're looking for.

Mr. Gordon: Is this the only loading door?

Atty. Ricker: There is one other loading door. It's a rear loading door that would be located right here on that same back corner. There are other particular types of loading docks which are in the rear of the building, but they require us to build it up to allow smaller vehicles back up to it. It's about 31 in. in height instead of the usual 4 ft. They have a platform that comes out. We're actually building a platform out to that.

Mr. Salerno: Do any board members have any questions?

Mr. George: Mr. Ricker, will there be any type of dumpsters or anything by that outside side loading dock?

Atty. Ricker: No. That brings to mind that I forgot about part of what I wanted to show you. We also hope to build a building out here eventually. We were in front of the Conservation Commission within the past year. We obtained permits to do fillings here in order to accommodate putting a building in this area here. This also contours down.

Mr. Salerno: It will be terraced down?

Atty. Ricker: Yes, it will be terraced down. It is terraced now. Depending on what we have for fill to fill in there, it seems like it will be terraced to be finalized. The dumpster's placement would be nowhere near here. This is going to be a drive-by, actually, for anything that we put down in this area in here.

Mr. George: So, that side there would be the side facing Route 140?

Atty. Ricker: That's correct. Any dumpsters there would have to be screened according to the bylaws.

Mr. Salerno: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On April 9, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of RIFL Realty Trust, 11 Maple Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the construction of a building with a loading dock/door facing Memorial Drive upon property located at 167 Memorial Drive.

The appellant is developing the subject property, which is located on the easterly side

of Memorial Drive just northerly of the Route 20 interchange, for the storage and distribution of materials and product. The proposed building, due to wetlands and severe topographical constraints, will be sited some 400 ft. from the sideline of Memorial Drive. The building, again due to those constraints, will be oriented perpendicular to the road to allow for truck access and maneuverability. They are seeking relief to permit the placement of one small loading door on westerly exposure of the building.

In considering this appeal, the board concurred with the appellant that, due to the aforementioned site conditions, the literal application of the applicable terms of the Zoning Bylaw would present an undue hardship to the developers in their attempt to situate an functional building upon this parcel. They found that, with the building located so far from Memorial Drive, the one, small loading door would not be very visible from the road and that such an installation would not seriously infringe upon the intent or the purpose of the bylaw or have any impact, detrimental or otherwise, upon the welfare of the general public. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. Salerno	Yes
Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes